



February 4, 2005

SENATE BILL No. 598

DIGEST OF SB 598 (Updated February 2, 2005 5:48 pm - DI 71)

Citations Affected: IC 20-1; IC 20-5.5; IC 20-10.1; IC 21-3.

Synopsis: Charter schools. Requires the department of education to publish in its school performance reports, in addition to ISTEP scores, any nationally recognized comprehensive assessment program data submitted by a school corporation, including a charter school. Increases the review period for applications to become a charter school. Allows a charter school to provide online and computer instruction in the same manner as other public schools. Requires the department of education to obtain federal funding for charter schools. Indicates that a charter school may use a private auditor and prepare financial reports in addition to audits and financial reports required by the state board of accounts. Provides that the law governing grants to alternative school programs applies to charter schools.

Effective: Upon passage.

Lubbers

January 20, 2005, read first time and referred to Committee on Education and Career Development.
February 3, 2005, amended, reported favorably — Do Pass.

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February 4, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

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SENATE BILL No. 598

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-1-21-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Not earlier
3 than January 15 or later than January 31 of each year, the governing
4 body of a school corporation shall publish an annual performance
5 report of the school corporation, in compliance with the procedures
6 identified in section 8 of this chapter. The report must be published one
7 (1) time annually under IC 5-3-1.

8 (b) The department shall make each school corporation's annual
9 performance report available on the department's Internet web site. **The**
10 **annual performance report published on the Internet for a school**
11 **corporation, including a charter school, must include any**
12 **additional information submitted by the school corporation under**
13 **section 7(3)(A) of this chapter.** The governing body of a school
14 corporation may make the school corporation's annual performance
15 report available on the school corporation's Internet web site.

16 (c) The governing body of a school corporation shall provide a copy
17 of the annual performance report to any person who requests a copy.

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The governing body may not charge a fee for providing the copy.

SECTION 2. IC 20-1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A report must contain the following:

- (1) The information listed in section 9 of this chapter for each of the preceding three (3) years.
- (2) Additional components determined under section 8(4) of this chapter.
- (3) Additional information or explanation that the governing body wishes to include, including the following:

(A) Results of nationally recognized assessments of students under programs other than the ISTEP program that a school corporation, including a charter school, uses to determine if students are meeting or exceeding academic standards in grades that are tested under the ISTEP program.

~~(A)~~ **(B)** Results of assessments of students under programs other than the ISTEP program that a school corporation uses to determine if students are meeting or exceeding academic standards in grades that are not tested under the ISTEP program.

~~(B)~~ **(C)** The number and types of staff professional development programs.

~~(C)~~ **(D)** The number and types of partnerships with the community, business, or higher education.

~~(D)~~ **(E)** Levels of parental participation.

SECTION 3. IC 20-1-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The state superintendent and the Indiana state board of education, in consultation with school corporations, educational organizations, appropriate state agencies, and other organizations and individuals having an interest in education, shall develop and periodically revise the following for the benchmarks and indicators of performance under section 9 of this chapter and the additional components of the performance report:

- (1) Reporting procedures, including the following:
 - (A) A determination of the information that a school corporation must compile and the information that the department must compile.
 - (B) A determination of the information required on a school by school basis and the information required on a school corporation basis.
 - (C) A common format suitable for publication, including

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tables, graphics, and explanatory text. **The common format must allow the inclusion of additional information described in section 7(3)(A) of this chapter that is submitted by a school corporation, including a charter school.**

(2) Operational definitions.

(3) Standards for implementation.

(4) Additional components for the report that may be benchmarks, indicators of performance, or other information.

SECTION 4. IC 20-5.5-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A sponsor must notify an organizer who submits a proposal under section 3.2 of this chapter of:

(1) the acceptance of the proposal; or

(2) the rejection of the proposal;

not later than ~~sixty (60)~~ **seventy-five (75)** days after the organizer submits the proposal.

SECTION 5. IC 20-5.5-7-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) **The department shall carry out a program to identify all federal funds for which a charter school is eligible.**

(b) **The department shall apply for all federal funds that are available for charter schools and for which Indiana is eligible.**

(c) **Upon receiving notice under IC 20-5.5-3-9 from a sponsor that a charter has been approved, the department shall immediately inform the organizer of the organizer's potential eligibility for federal charter school start-up grants.**

(d) **The department shall distribute federal charter school start-up grants to eligible organizers in a timely manner according to the department's published guidelines for distributing the grants.**

(e) **The department shall compile a biannual report and submit the report to the state office of federal grants and procurement and to charter school organizers and sponsors. The report submitted under this subsection must contain the following information for grants distributed under this section:**

(1) **Beginning and end dates for each grant cycle.**

(2) **The dates on which:**

(A) **grant applications and requests for renewal were received; and**

(B) **grants were awarded.**

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(3) The amount of each grant awarded.

SECTION 6. IC 20-5.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** A charter school may not do the following:

(1) Operate at a site or for grades other than as specified in the charter.

(2) Charge tuition to any student residing within the school corporation's geographic boundaries. However, a charter school may charge tuition for:

(A) a preschool program, unless charging tuition for the preschool program is barred under federal law; or

(B) a latch key program;

if the charter school provides those programs.

(3) Except for a foreign exchange student who is not a United States citizen, enroll a pupil who is not a resident of Indiana.

(4) Be located in a private residence.

(5) Provide **solely** home based instruction.

(b) A charter school is not prohibited from delivering instructional services:

(1) through the Internet or another online arrangement; or

(2) in any manner by computer;

if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools.

SECTION 7. IC 20-5.5-8-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **A charter school may use any money distributed by law to the charter school to prepare financial reports and conduct audits that the charter school determines are necessary for the conduct of the affairs of the charter school. A financial report or an audit under this section does not replace a financial report or an audit required under IC 5-11-1-9.**

SECTION 8. IC 20-10.1-4.6-2.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.9. **As used in this chapter, "school corporation" includes a charter school (as defined in IC 20-5.5-1-4).**

SECTION 9. IC 21-3-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **As used in this chapter, "qualifying school corporation" means a school corporation, including a charter school (as defined in IC 20-5.5-1-4), that has**

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1 been approved under IC 20-10.1-4.6-6 to receive a grant under this
2 chapter.

3 SECTION 10. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill No. 598, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 25, delete "The" and insert **"Upon receiving notice under IC 20-5.5-3-9 from a sponsor that a charter has been approved, the"**.

Page 3, line 25, delete "distribute federal charter school" and insert **"immediately inform the organizer of the organizer's potential eligibility for federal charter school start-up grants."**

(d) The department shall distribute federal charter school start-up grants to eligible organizers in a timely manner according to the department's published guidelines for distributing the grants.

(e) The department shall compile a biannual report and submit the report to the state office of federal grants and procurement and to charter school organizers and sponsors. The report submitted under this subsection must contain the following information for grants distributed under this section:

(1) Beginning and end dates for each grant cycle.

(2) The dates on which:

(A) grant applications and requests for renewal were received; and

(B) grants were awarded.

(3) The amount of each grant awarded."

Page 3, delete lines 26 through 27.

Page 4, reset in roman line 1.

Page 4, line 1, after "Provide" insert **"solely"**.

Page 4, line 5, delete "computer." and insert **"computer; if the instructional services are provided to students enrolled in the charter school in a manner that complies with any procedures adopted by the department concerning online and computer instruction in public schools."**

and when so amended that said bill do pass.

(Reference is to SB 598 as introduced.)

LUBBERS, Chairperson

Committee Vote: Yeas 7, Nays 3.

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